REMARKS

By this amendment, claims 1, 4, 6, and 9 have been amended. These amendments are made to even more clearly recite the claimed invention, do not add prohibited new matter and are fully supported by the specification. Support for these amendments may be found, for example, in the Abstract and Figures 9 and 21. Reconsideration and withdrawal of the rejections set forth in the outstanding Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

In the outstanding Office Action, the Office Action maintains the rejection of claims 1, 2, 4-7, 9 and 10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,313,838 to Deering (hereinafter "DEERING"). Applicants submit that DEERING does not anticipate the claimed subject matter of claims 1, 2, 4-7, 9 and 10 for at least the reasons provided below. Thus, Applicants respectfully request reconsideration and withdrawal of all outstanding rejections, and an indication of the allowability of claims 1, 2, 4-7, 9 and 10 in the next Office correspondence.

Contrary to the Examiner's assertions in the outstanding Office Action, DEERING teaches an image processing system for use in a wide variety of video applications that require high resolution graphics, which may include video games, but DEERING does not teach or suggest, alone or in any proper combination, the subject matter recited in, for example, independent claims 1, 4, 6 and 9. DEERING mentions video games in only two instances of the patent, *i.e.*, at column 2, lines 61-67 and column 3, lines 5-12. Although DEERING teaches, for example, at column 3, lines 56-60, a "graphics system [that] may be configured to estimate scene rendering times on a frame-by-frame basis, and then adjust rendering parameters," DEERING does not teach or suggest the claimed subject matter of, *inter alia*, "wherein the rate of tempo of game

music and the rate of formation of said frame images and said determined game progress is increased, when a player inputs a high-speed instruction, and wherein the rate of tempo of the game music and the rate of formation of said frame images and said determined game progress is decreased, when a player inputs a low-speed instruction," as recited in the independent claims.

Applicants note the Examiner admits that DEERING teaches a *constant* frame rate (*see, e.g.,* page 2, paragraph 3, of the Office Action and DEERING, col. 3, lines 58-60). However, the claims recite that "the rate of formation of said frame images" is increased or decreased when a player inputs a high-speed or low-speed instruction. Therefore, the DEERING does not disclose all of the elements of the claimed invention, as required under 35 U.S.C. § 102.

Furthermore, Applicants submit that DEERING does not render obvious all of the elements of the claimed invention because there is nothing in DEERING that would provide guidance on how to modify the rate of the tempo of the music provided in the game and the rate of formation of the frame images. On the contrary, because DEERING teaches maintaining a constant frame rate, DEERING actually *teaches away* from modifying the rate of formation of frame images. Thus, Applicants submit that one skilled in the art would not modify the teachings of DEERING to arrive at the claimed invention.

Accordingly, DEERING neither discloses nor renders obvious all of the elements of the claimed invention. Further, claims 2, 5, 7 and 10 depend from claims 1, 4, 6, and 9, respectively, and are patentably distinguishable for at least the reasons provided above with respect to claims 1, 4, 6 and 9, as well as for additional reasons related to their own recitations. Thus, Applicants submit that the Examiner has not established a *prima facie*

case of anticipation, and respectfully request reconsideration and withdrawal of the outstanding Section 102 rejections of claims 1, 2, 4-7, 9 and 10 as being anticipated by DEERING, and allowance of the instant application to mature into a U.S. patent.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that Examiner's rejections should be withdrawn. Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Although it is within the discretion of the Examiner to enter amendments made after a Final Office Action, Applicants submit that the amendments clarify previously recited claim elements, do not raise new issues, and should not necessitate a new search. Accordingly, Applicants respectfully request that the Examiner enter the amendments. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully Submitted,
Yoshiyuki MIYAGAWA et al.

Bruce H. Bernstein
Reg. No. 29,027

William Pieprz
Reg. No. 33,630

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191